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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Suriname*

The present report is a summary of four stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

Information provided by stakeholders

A. Background and framework

1. Scope of international obligations

1. Cultural Survival (CS) recommended that Suriname ratify ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and establish formal protocols on obtaining their free, prior and informed consent.[2] International Human Rights Clinic of the University of Oklahoma College of Law (IHRC-OU) also recommended that Suriname reconsider its position about the ratification of ILO Convention No. 169.[3]

2. IHRC-OU recommended that Suriname ratify the Minamata Convention on Mercury.[4]

2. Constitutional and legislative framework

3. CS stated that a primary issue preventing the further promotion and protection of indigenous rights was the lack of recognition of indigenous peoples in the Constitution. According to CS, Suriname still operated under a colonial legislature that did not acknowledge or define the presence of indigenous groups in the country.[5] The status, presence, and rights of indigenous and tribal peoples, especially their collective rights to lands, were not recognized in the Constitution and legislation of Suriname.[6] CS recommended that Suriname revise the Constitution to include recognition of indigenous and tribal peoples, their human rights, and their rights to their land.[7]

3. Institutional and human rights infrastructure and policy measures

4. CS informed of the establishment in 2013 of the position of Presidential Commissioner on Land Rights. The mandate of the Commissioner was to promote work on drafting legislation on and promotion of indigenous rights and land rights. However, CS indicated that the Commissioner had made little progress in these areas.[8]

B. Cooperation with human rights mechanisms

Cooperation with special procedures

5. IHRC-OU noted that Suriname had not issued any answer to an allegation letter sent by the Special Rapporteur on the Rights of Indigenous Peoples in 2012 to seek Suriname's response to purported "small-scale gold mining operations on the traditional lands of the Wayana indigenous communities of Apetina and Anapike in south-eastern Suriname."

C. Implementation of international human rights obligations

1. Equality and non-discrimination

6. IHRC-OU noted that, although Suriname had committed to incorporating human rights and gender education into the curriculum during the UPR in 2011[9], to date, there was no evidence that it had taken measures to do so.[10]

2. Right to life, liberty and security of the person

7. Concerning violence against women, ADF International indicated that, while certain crimes prevalent in the region, such as gang-related violence, had steadily decreased in Suriname, other crimes, such as human trafficking, had increased.[11]

8. ADF International also stated that many Surinamese women were victims of domestic violence and that measures must be taken to ensure the effective implementation of the 2009 Law Combating Domestic Violence.[12]

9. Global Initiative to End All Corporal Punishment of Children (GIEACPC) indicated that corporal punishment of children was lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child and recommendations made during the 1st cycle UPR.[13]

10. GIEACPC noted that corporal punishment of children was unlawful in the penal system but lawful in the home, alternative care settings, day care and schools.[14]

11. GIEACPC observed that Suriname had accepted the recommendation to prohibit it in schools[15] but rejected recommendations to prohibit it in the home and other settings[16], stating that ministerial instructions not to use corporal punishment are regularly sent to schools, that regulations are in place with regard to youth in prison, and that the Act on Domestic Violence had begun to combat corporal punishment of children in the home.[17]

12. GIEACPC stated that achieving full prohibition required the enactment of legislation clearly prohibiting corporal punishment in all settings. In this regard, GIEACPC informed that a new Criminal Code was being drafted and that it would provide an immediate opportunity for achieving the necessary reforms.[18]

3. Administration of justice and the rule of law

13. IHRC-OU noted that Suriname had failed to effectuate any remedial actions after the Inter-American Commission on Human Rights had found in 2007 that Suriname had violated the rights of the Kalina and Lokono Indigenous Peoples under the American Convention on Human Rights by "granting a mining concession and authorizing mining activities inside [the peoples'] traditional territory without conducting a consultation process aimed at obtaining their free, prior and informed consent according to inter-American standards."[19]

4. Right to social security and to an adequate standard of living

14. CS stated that, as a result of the extensive gold mining industry, indigenous communities had been left with high levels of hazardous industrial mining waste contaminating their lands, rivers, and food sources. Communities in the interior, including indigenous peoples and Maroons, had no alternative than consuming food that was contaminated with mercury.[20] CS recommended that Suriname take steps to prevent and remedy the effects of mercury contamination on indigenous lands.[21]

15. CS noted that indigenous communities were regularly evicted from their lands due to their lack of land titles and a lack of respect by the Government for communal land rights.[22]

5. Right to health

16. IHRC-OU noted that Article 36 of the Constitution guaranteed to "everyone equal rights and this includes the public health and medical care" and that equal rights in public health and medical care was also a "target" of the Ministry of Public Health. However, according to IHRC-OU, to date, Suriname had not released information regarding "a series

of health problems affecting the Apetina and Anapaike communities." These health problems, allegedly caused by gold miners' contaminating drinking water with mercury, included "birth defects and serious neurological disorders."[23]

17. IHRC-OU informed that the Government had partnered with Medical Mission Suriname to ensure access to medical professionals in the interior portion of the country—where over 50,000 indigenous people lived. However, IHRC-OU indicated that most of those medical professionals were minimally qualified as medical assistants or aids and that this lack of proper medical training for the vast majority of medical personnel within the interior had led to the indigenous people using Medical Mission as a last resort for medical treatment.[24]

18. IHRC-OU noted that, in the interior of the country—more particularly, among the indigenous population—symptoms of malaria were still prevalent.[25]

19. IHRC-OU furthermore indicated that gold mining processes using mercury were conducted near water sources that tribes used for drinking water, cooking, cleaning, etc. As a result of this unregulated practice, indigenous people were experiencing symptoms of mercury poisoning.[26]

20. ADF International stated that, under the Criminal Code, abortion was legal only in instances where it was deemed necessary to save the life of the woman. Despite the restrictive laws, however, according to ADF International, it had been alleged that many abortions occurred, which contributed to the rising number of maternal deaths.[27]

21. ADF International stated that Suriname should focus its efforts on reducing the root causes that led women to turn to abortion, namely poverty, domestic violence, premature sexual activity, and lack of education and employment.[28]

22. ADF International continued that poor diet and a corresponding rise in obesity and diabetes had contributed to the rise in maternal health problems. Moreover, according to ADF International, the high adolescent birth rate was a significant contributing factor. Premature sexual activity was a serious problem that led to devastating health implications and severely undermined the wellbeing of Suriname's youth. ADF International indicated that education on responsible sexual behaviour in conjunction with parents, in addition to community and religious leaders, was of vital importance.[29]

6. Right to education

23. IHRC-OU stated that Suriname had improved the general accessibility of primary education but had not shown much progress in improving regional inequities. According to IHRC-OU, there was little evidence of efforts to improve access to education for indigenous and tribal children, and there was little progress in recognition of their native languages or implementation of bilingual education.[30]

24. Concerning UPR recommendations 72.25, 72.26, 72.27, 72.28, and 72.30[31] that enjoyed the support of Suriname, IHRC-OU indicated that Suriname had not shown progress in implementing them and that children in the interior continued to have inadequate access to education.[32]

25. IHRC-OU noted that children in Suriname faced great educational barriers; particularly children in the rural interior, girls who became pregnant, and children with disabilities.[33]

26. IHRC-OU observed that Suriname had eliminated primary and secondary school fees and that children in urban areas enjoyed access to all levels of education. However, children in the rural interior, who were primarily indigenous and tribal, still faced challenges in achieving a basic education. In the rural interior, some children must travel to

attend primary school. Secondary school facilities in rural districts were sparse or non-existent. High school required relocation to the capital. Children from the interior who relocated did not receive any financial or social governmental assistance.[34]

27. According to IHRC-OU, Suriname had established a policy against the expulsion of pregnant girls, however, some individual school directors continued this practice, and it was not clear what oversight had been put in place to address this problem.[35]

28. IHRC-OU continued that there were severe inequities in the quality of education that was provided in the hinterland. Villages in rural settings usually had no running water; Suriname had committed to constructing and rebuilding school facilities in the interior, but there was little to no information available about whether these efforts had been pursued. In most cases, there was no teacher housing. In addition, teachers in public and private schools might not be qualified, with some reports of teachers in interior villages who had only achieved a primary school diploma.[36]

29. IHRC-OU added that indigenous groups faced great linguistic and cultural barriers in education. There was no provision for consultation with indigenous or tribal groups on the inclusion of language and culture in the education of their children. There was no provision for seeking consent of indigenous communities to the educational curriculum, or even a mechanism to allow them to provide input on educational content. Dutch was the language of instruction and indigenous languages were not taught in school.[37]

7. Minorities and indigenous peoples

30. CS indicated that recommendations 72.8, 72.30, 72.31, 73.30, and 73.31[38] regarding indigenous peoples had been supported by Suriname, but still had not been implemented fully.[39]

31. CS also reported that recommendations 73.10, 73.52, 73.53, 73.55, 73.56 and 73.57[40] were noted by Suriname but continued to be relevant.[41]

32. CS continued that the case with the Saramaka Maroon group vs. Suriname in the Inter-American Court of Human Rights had ruled that Suriname needed to take action to adopt national legislation to legally recognize the legal status the Saramaka people had over their land and their right to free, prior, and informed consent. Although the case had made it to international court and there had been recommendations in this regard in the previous UPR[42], no legislative action had been taken since the ruling to establish indigenous land rights.[43]

33. IHRC-OU indicated that the primary concern for the indigenous population in Suriname continued to be land rights. They had no means to own, occupy, or enjoy their ancestral lands collectively nor individually. All the land to which no one could prove his or her right of ownership belonged to the State. The indigenous people based their claims on the land on the fact that they were the first inhabitants of Suriname, and the descendants of the Maroons based their claims on peace treaties. However, because these groups did not have land titles, the State did not consider them legal owners of the land they inhabited and had possessed for centuries. This lack of legal recognition had led to a "cultural genocide" of indigenous populations in Suriname.[44]

34. IHRC-OU continued that, in the Saramaka case, Suriname had been ordered, among other things, to "adopt national legislation and standards to demarcate and legally recognize the collective legal status and ownership of the Saramaka Maroon people over their traditional tribal lands, and to respect their right to free, prior and informed consent." To date, Suriname had failed to comply with the most substantive elements of the judgment. Another case before the Inter-American Court of Human Rights and against the State of Suriname involved eight Kalina and Lokono indigenous communities in east Suriname. The

violations had to do with "existing legal framework that prevents recognition of the indigenous peoples' juridical personality, a situation that to this day continues to keep the Kalina and Lokono peoples from being able to protect their right to collective property."[45]

35. IHRC-OU stated that most indigenous populations in Suriname would prefer collective/communal ownership of their ancestral lands. The Constitution recognized the individual rights to land for all Surinamers; however, it did not recognize the collective rights to land and Suriname did not have any other domestic legislative provisions for collective rights.[46]

36. IHRC-OU observed that, in order for the indigenous populations to achieve land rights, the land must be clearly marked. Some communities had attempted to map out some of the lands the indigenous populations occupied in Suriname. However, the Government had not accepted these efforts and instead, insisted that their own demarcation maps be used. To date, no actual effort on the part of the Government to demarcate the land had begun.[47]

37. CS recommended that Suriname formally recognize the demarcation of indigenous lands that belonged to specific indigenous groups; adopt laws and legislation surrounding use of these lands; acknowledge legally the rights of those indigenous and tribal peoples to own, develop, control and use their lands, resources and communal territories according to customary law and traditional land-tenure system.[48]

38. CS also recommended that Suriname ensure legislature obtains the free, prior, informed consent of indigenous peoples while establishing any legislation regarding them and that all national laws reflect the minimum standard of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).[49] Suriname should also form a joint commission or platform for consultations regarding indigenous land and rights that would further monitor their implementation[50]; implement the verdicts by the Inter-American Court of Human Rights that granted Saramaka peoples and indigenous peoples land rights, protection, and legal recognition[51]; take operational steps to implement UNDRIP, adopting a national action plan on its implementation to ensure indigenous peoples' effective and politically meaningful participation in the decision-making process and equal representation in the governance of the country[52]; and implement the World Conference on Indigenous Peoples Outcome Document.[53] IHRC-OU made similar recommendations.[54]

8. Right to development and environmental issues

39. CS indicated that numerous construction projects had taken place on indigenous land without the consent, recognition, or approval from indigenous groups living in these regions. International companies in a variety of projects such as mining, oil extraction, hydroelectric power, highway and railroad construction, and housing developments, had made attempts to build and extract resources on indigenous land over the past four years.[55]

40. IHRC-OU noted that Suriname officially required developers and investors to provide Environmental and Social Impact Assessments ("ESIAs") before projects "within traditional indigenous or tribal territory" might begin. Applicants submit ESIAs to Suriname's National Institute for Environment and Development ("NIMOS") for review. According to IHRC-OU, Suriname continued to permit mining activities proximal to the Kalina and Lokono indigenous communities, although no ESIA had been submitted to NIMOS.[56]

41. IHRC-OU recommended that Suriname adopt legislation to prevent and punish illegal traffic in mercury in compliance with the Basel Convention; research the sources of all significant environmental pollutants, particularly mercury, and their presence and effects upon peoples and environments, particularly in the south and the Sipaliwini region; seek to

facilitate research and data collection in this matter; and submit national reports to comply with the Stockholm and Basel Conventions.[57]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.
Civil society
Individual submissions:

ADF International	ADF International, Geneva (Switzerland);
CS	Cultural Survival, Cambridge, Massachusetts (United States of America);
GIEACPC	Global Initiative to End Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
IHRC-OU	International Human Rights Clinic, University of Oklahoma, College of Law, Oklahoma (United States of America).

[2] CS, recommendation 3, p. 6.
[3] IHRC-OU, p. p. 5.
[4] IHRC-OU, p. 3.
[5] CS, pp. 3-4.
[6] CS, p.2.
[7] CS, recommendation 1, p. 6.
[8] CS, p. 4.
[9] Paras. 72.4 (Indonesia) and 72.5 (Malaysia), A/HRC/18/12.
[10] IHRC-OU, p. 2.
[11] ADF International, para. 23.
[12] ADF International, para. 25.
[13] GIEACPC, p. 1.
[14] GIEACPC, p. 2.
[15] Para. 72.21 (Belgium), A/HRC/18/12.
[16] Paras. 73.44 (France); 73.45 (Mexico); and 73.46 (Slovenia), A/HRC/18/12. For position of Suriname, see A/HRC18/12/Add.1.
[17] Para. 9, A/HRC/18/12/Add.1.
[18] GIEACPC, p. 2.
[19] IHRC-OU, pp. 2-3.
[20] CS, p. 5.
[21] CS, recommendation 9, p. 6.
[22] CS, p. 4.
[23] IHRC-OU, p. 3.
[24] IHRC-OU, p. 3.
[25] IHRC-OU, p. 3.
[26] IHRC-OU, p. 3.
[27] ADF International, para. 3.
[28] ADF International, para. 17.
[29] ADF International, para. 16.
[30] IHRC-OU, p. 1.
[31] Paras. 72.25 (Indonesia); 72.26 (Slovenia); 72.27 (Ecuador); 72.28 (Malaysia); and 72.30 (Slovakia), A/HRC/18/12.
[32] IHRC-OU, p. 1.
[33] IHRC-OU, p. 1.
[34] IHRC-OU, p. 1.
[35] IHRC-OU, p. 1.
[36] IHRC-OU, p. 2.
[37] IHRC-OU, p. 2.

[38] Paras. 72.8 (United States of America); 72.30 (Slovakia); 72.31 (United States of America); 73.30 (Slovakia); and 73.31(Germany), A/HRC/18/12. For position of Suriname on 73.30 and 73.31, see A/HRC/18/12/Add.1.
[39] CS, p. 3.
[40] Paras. 73. 10 (Norway); 73.52 (Trinidad and Tobago); 73.53 (Canada); 73.54 (Hungary); 73.55 (Norway); 73.56 (United Kingdom of Great Britain and Northern Ireland); and 73. 57(Netherlands), A/HRC/18/12. For position of Suriname, see A/HRC/18/12/Add. 1.
[41] CS, p. 3.
[42] Paras. 73.55 (Norway); 73.56 (United Kingdom of Great Britain and Northern Ireland); and 73.57(Netherlands), A/HRC/18/12. For position of Suriname, see A/HRC/18/12/Add.1.
[43] CS, p 4.
[44] IHRC-OU, p.4.
[45] IHRC-OU, pp. 4-5.
[46] IHRC-OU, p.5.
[47] IHRC-OU, p.5.
[48] CS, recommendation 2, p. 6.
[49] CS, recommendation 4, p. 6.
[50] CS recommendation 5, p. 6.
[51] CS recommendation 6, p. 6.
[52] CS recommendation 7, p. 6.
[53] CS recommendation 8, p. 6.
[54] IHRC-OU, p. 5.
[55] CS, p. 4.
[56] IHRC-OU, p. 3.
[57] IHRC-OU, p. 3.